Confirmation No.: 4979

Application No.	:	10/763,380
Applicant	:	Maurice M. Moloney and Gijs van Rooijen
Filed	:	January 26, 2004
Title	:	Preparation of Heterologous Proteins on Oil Bodies
TC./A.U.	:	1638
Examiner	:	Ganapathiram Raghu

Docket No.	:	9369-292
Customer No.	:	001059

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Honorable Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia
22313–1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Sir:

SemBioSys Genetics Inc. of Bay #110, 2985-23rd Avenue N.E., Calgary, Alberta, T1Y 7L4, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent No. 5,650,554, issued on July 22, 1997 and entitled "Oil-Body Proteins As Carriers of High-Value Peptides in Plants", by virtue of two assignments recorded at Reel 007416, Frame 0989 on April 7, 1995 and at Reel 008335, Frame 0451 on February 4, 1997, respectively; (2) U.S. Patent No. 6,753,167, issued on June 22, 2004 and entitled "Preparation of Heterologous Proteins on Oil Bodies", by virtue of an assignment recorded at Reel 014131, Frame 0783 on June 3, 2003; (3) U.S. Patent No. 5,948,682, issued on September 7, 1999 and entitled "Preparation of Heterologous Proteins on Oil Bodies", by virtue of an assignment recorded at Reel 008763, Frame 0008 on October 8, 1997; (4) U.S. Patent No. 6,288,304, issued on September 11, 2001 and entitled "Expression of Somatotropin in Plant Seeds", by virtue of two assignments recorded at Reel 011431, Frame 0725 on January 12, 2001 and at Reel 011431, Frame 0770 on January 12, 2001; and (5) U.S. Patent Application Serial No. 10/763,380, filed on January 26, 2004 and entitled " Preparation of Heterologous Proteins on Oil Bodies", by virtue of an assignment recorded at Reel 014680, Frame 0596 on June 1, 2004.

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SemBioSys Genetics Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,650,554, U.S. Patent No. 6,753,167, U.S. Patent No. 5,948,682 and U.S. Patent No. 6,288,304 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 5,650,554, U.S. Patent No. 6,753,167, U.S. Patent No. 5,948,682 and U.S. Patent No. 6,288,304, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, SemBioSys Genetics Inc. does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of U.S. Patent No. 5,650,554, U.S. Patent No. 6,753,167, U.S. Patent No. 5,948,682 and U.S. Patent No. 6,288,304, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is hereby authorized to charge the government fee of $130.00 to our firm's Deposit Account No. 02-2095. The Commissioner is also authorized to charge any additional fee which may be required, or credit any overpayment, to our firm's Deposit Account No. 02-2095.

The undersigned is an agent of record in the application.

Respectfully submitted,

Maurice M. Moloney

By _____

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